

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Achaogen, Inc.,

Debtor.

Edward E. Neiger, not individually but as Plan Trustee of the Achaogen Plan Trust,

Plaintiff,

v.

Cipla USA Inc.,

Defendant.

Chapter 11

Case No. 19-10844 (BLS)

Adversary No. 21-50479 (BLS)

Re: Docket No. 9

**STIPULATION FOR EXTENSION OF TIME FOR
DEFENDANT TO RESPOND TO THE MOTION TO DISMISS**

Edward E. Neiger, not individually, but as Plan Trustee (the “Plaintiff”) of the Achaogen Plan Trust, and Cipla USA Inc. (the “Defendant” and, together with Plaintiff, the “Parties”), through their respective counsel, enter into this *Stipulation for Extension of Time for Plaintiff to Respond to the Motion to Dismiss* (the “Stipulation”) and hereby stipulate and agree as follows:

1. On May 27, 2021, the Plaintiff commenced the above captioned adversary proceeding by filing a complaint against the Defendant [Adv. Pro. No. 1]. The summons was issued on May 27, 2021 [Adv. Pro. No. 4].
2. On August 6, 2021, the Defendant timely filed the *Defendant's Motion to Dismiss Counts I, IV, V, VI, VIII, IX and X* (the “Motion to Dismiss”) [Adv. Pro. No. 9].

3. Pursuant to Local Rule 7007-1(ii), the initial deadline for the Plaintiff to file a response to the Motion to Dismiss is August 20, 2021.

4. Pursuant to Local Rule 7012-2, the Parties agree and stipulate that the time within which the Plaintiff may respond to the Motion to Dismiss is hereby extended three weeks to and including September 10, 2021.

Dated: August 16, 2021

COLE SCHOTZ P.C.

By: /s/ Andrew Roth-Moore
Justin R. Alberto, Esq. (No. 5126)
Andrew Roth-Moore, Esq. (No. 5988)
Cole Schotz P.C.
500 Delaware Avenue, Suite 1410
Wilmington, Delaware 19801
Telephone: (302) 652-3131
Email: jalberto@coleschotz.com
aroth-moore@coleschotz.com
Attorneys for Plaintiff

Dated: August 16, 2021

POTTER ANDERSON & CORROON LLP

By: /s/ Jeremy W. Ryan
Jeremy W. Ryan, Esq. (No. 4057)
John A. Sensing (No. 5232)
Jesse L. Noa (No. 5973)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: 302-984-6000
Fax: 302-658-1193
Email: jrayn@potteranderson.com
jsensing@potteranderson.com
jnoa@potteranderson.com

Attorneys for Defendant